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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Streamlining the Commission's)
Rules and Regulations for)
Satellite Application and)
Licensing Procedures)

IB Docket No. 95-117

DOCKET FILE COPY ORIGINAL

To: The Commission

COMMENTS OF CTA INCORPORATED

CTA Incorporated ("CTA"), by its attorneys, hereby submits its comments in response to the Notice of Proposed Rulemaking ("NPRM") in the above-captioned rulemaking.^{1/} CTA is a privately-held aerospace company with extensive experience in the design and development of small communications satellites, space systems, and ground systems for satellite operations. CTA, through its wholly-owned subsidiary, CTA Commercial Systems, Inc., has an application for a so-called "little LEO" satellite system, known as "GEMnet," pending before the Commission.^{2/}

CTA supports the Commission's efforts to streamline regulation wherever possible, and in particular welcomes the positions taken in the NPRM with regard to the regulation of satellites and satellite systems. CTA agrees

^{1/} FCC 95-285 (Aug. 11, 1995).

^{2/} FCC File No. 23-SAT-P/LA-95.

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with the Commission's assessment that reduced regulatory burdens are critical to ensuring the continued competitiveness of the U.S. satellite industry. Below, CTA provides its specific comments on the Commission's proposals.

I. Waiver of the Satellite Construction Permit Requirement Will Speed the Provision of Service to the Public and Will Enhance the Competitiveness of the U.S. Satellite Industry.

CTA supports the Commission's proposal to waive the construction permit requirement for space stations, which will allow U.S. companies to begin construction of satellites at their own risk.^{3/} As the Commission wrote, in recent years satellite applicants have routinely sought Section 319(d) waivers of the construction requirement.^{4/} These waiver requests reflect the fact that, in the rapidly changing and fiercely competitive telecommunications marketplace, U.S. firms need the flexibility to begin the development and implementation of their systems as quickly as possible.

A formal change to the Commission's rules will eliminate the regulatory burdens of the waiver process, freeing up scarce Commission resources while allowing companies to start the lengthy process of building their systems without unnecessary bureaucratic delay. Moreover,

^{3/} NPRM at ¶ 7-8.

^{4/} Id. ¶ 7; see 47 U.S.C. § 319(d).

as the Commission noted, allowing applicants to begin construction without a permit will help to ensure that the public receives new and innovative services as quickly as possible.

Because of the considerable cost involved in constructing satellite equipment and systems, it is unlikely that firms will undertake lightly projects of this magnitude, particularly given the Commission's clear statements that any such construction would be performed at the applicant's own risk. CTA supports the Commission's proposal, however, that firms be required to notify the Commission in writing that they are beginning construction, and that they acknowledge they are proceeding at their own risk. This requirement will be of minimal burden to applicants, and will serve as a reminder to all firms that they should carefully consider the merits of their proposals before they begin development of their systems.

II. The Commission's Effort to Eliminate Unnecessary or Duplicative Regulatory Filings Also Will Enhance the Competitiveness of U.S. Satellite Systems.

In the NPRM, the Commission proposed to eliminate a number of unnecessary and redundant regulatory requirements for satellite space station operators.^{5/} Specifically, the Commission proposed: (1) to eliminate the general requirement that applicants for new space stations submit detailed information regarding the estimated

^{5/} NPRM at ¶¶ 9-10.

investment and operating costs for the expected lifetime for the facility; (2) to eliminate the requirement in Section 25.114(c)(8) of the Commission's Rules that an applicant submit the estimated number and geographic distribution of earth stations and describe the proposed arrangements for user access to the satellite system; (3) to streamline Section 25.114(c)(9) of the Rules by eliminating the requirement that an applicant submit information about the estimated demand for the services and entities to be served, and an estimate of transponder capacity under each of the proposed operating conditions; (4) to eliminate the requirements of Section 25.114(c)(16) of the Rules for detailed information concerning historical use of the system when the licensee requests additional or replacement satellites; and (5) to eliminate Section 25.114(c)(15), which requests information regarding the satellite's capability to provide service to Alaska, Hawaii or Puerto Rico/Virgin Islands.

CTA supports each of the Commission's proposals to eliminate or streamline these rules. As the Commission pointed out, these requirements are either unnecessary and place an undue burden on applicants,^{5/} or are duplicative of

^{5/} For example, the Commission notes that it retains the discretion to seek additional information in the event that it is needed to make a public interest determination. See NPRM at ¶ 9.

information required under other rules.^{2/} Elimination or simplification of these and any other redundant or unnecessary regulatory requirements will further enhance the international competitiveness of the U.S. satellite industry.

III. The Commission's Proposal to Allow the Submission of Consolidated System Proposals Will Reduce Unnecessary Administrative Burdens Faced by Mobile Satellite Systems.

CTA strongly supports the Commission's proposal to amend Section 25.114(a) of the Rules to allow applicants to submit consolidated proposals for systems utilizing multiple space stations.^{8/} As the Commission correctly noted, satellite technology and its application has changed dramatically in recent years; there are now numerous systems proposed that will utilize dozens or even hundreds of space stations in a given satellite system.^{9/} Elimination of Section 25.114(a)'s requirement that a comprehensive proposal be submitted for each proposed space station will reduce repetitive and burdensome paperwork for applicants and will reduce administrative burdens on Commission staff. CTA also supports the Commission's proposal to eliminate the requirement under Section 25.114(b) that applicants provide detailed information to distinguish individual satellites

^{2/} Id. ¶ 10.

^{8/} Id. ¶ 11.

^{9/} Id.

within their system. The Commission's proposal that applicants be required to include the total number of proposed space stations is a sensible and minimally burdensome alternative.

CONCLUSION

CTA appreciates the Commission's and the International Bureau's efforts to streamline regulation wherever possible, and to work to enhance the international competitiveness of the U.S. satellite industry. In that regard, CTA strongly supports those proposals contained in the NPRM that are discussed above, and urges their immediate adoption.

Respectfully submitted,

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